

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:06-CV-502-F

BRIAN MERLE SPEARS, )  
Plaintiff, )  
 )  
v. )  
 )  
MIKE JOHANNNS, Secretary, UNITED )  
STATES DEPARTMENT OF )  
AGRICULTURE; and ANDREW S. )  
NATSIOS, Administrator, UNITED )  
STATES AGENCY FOR INTERNATIONAL )  
DEVELOPMENT, )  
Defendants. )

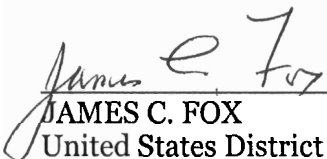
ORDER

For the reasons cogently set forth in the Memorandum in Support [DE-19] thereof, the defendants' Motion to Dismiss or for Summary Judgment [DE-18], is ALLOWED, and this action is DISMISSED. The court ADOPTS the defendants' Memorandum as stating the rationale for this ruling.

The plaintiff admits that he is an employee of the Department of Agriculture. His claims alleging employment discrimination only may be brought against *his employer*, against which he must exhaust his administrative remedies before filing a civil lawsuit. Spears's administrative claim against the United States Agency for International Development, which claim he dismissed, is inadequate to satisfy the exhaustion requirement for his allegations of discrimination against his employer, the USDA.

SO ORDERED.

This the 27<sup>th</sup> day of March, 2009.

  
JAMES C. FOX  
United States District Judge